

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4017-14
Bill No.: Truly Agreed To and Finally Passed HS for HCS for SS for SS for SCS for SB 1122
Subject: Dentists: Licenses - Professional; Health Care Professionals; Corporations
Type: Original
Date: June 8, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Dietician	\$86,850	\$2,606	\$92,100
Athlete Agent *	\$0	\$0	\$0
Barber	\$0	\$2,250	\$540
Interior Design	\$100,000	\$1,500	\$106,000
Pharmacy	\$0	\$25,000 to \$200,000	\$25,000 to \$200,000
Insurance Dedicated	\$24,267	\$40,831	\$38,681
Total Estimated Net Effect on <u>All</u> State Funds	\$211,117	\$72,187 to \$247,187	\$262,321 to \$437,321

***Offsetting income and expenses expected to be less than \$100,000.**

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 16 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services, Department of Revenue, Department of Mental Health, Department of Elementary and Secondary Education, Department of Higher Education, Department of Social Services, Department of Public Safety - Missouri State Highway Patrol, Office of State Treasurer, and Office of the Governor**, assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of State Courts Administrator** stated this proposal would have no fiscal impact on the Courts.

Officials from the **Office of Prosecution Services** assume any costs incurred as a result of the proposal would be absorbed within current funding levels.

Officials from the **COA - Administrative Hearing Commission** anticipate the proposal will not significantly alter its caseload. However, if other similar proposals also pass, there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Office of Attorney General (AGO)** state this proposal makes changes to sections pertaining to professional registration, some of which would affect AGO.

ASSUMPTION (continued)

AGO assumes the following fiscal impact with respect to sections formerly contained within HCS/HB 1195: for changes to the fund for contact sports (Section 317.011); to provisions concerning professional counselors (Sections 337.085 to 337.712); to licenses for audiologists (Sections 345.015 to 346.135); and for requirements that the Division of Professional Registration keep additional information on licensees (Sections 620.127 to 620.145), AGO assumes that this proposal creates no fiscal impact. For the creation of a temporary license to practice tattooing, body piercing or branding, AGO assumes that this proposal will create minimal costs that can be absorbed with existing resources (Section 324.526).

AGO assumes that with respect to sections formerly contained within HCS/HB 955, regarding the practice of dieticians, this proposal will create no fiscal impact (Sections 324.200 to 324.216).

For sections formerly contained within HB 1224/SB 1207, which makes changes to the definition of interior designers, AGO assumes that this proposal will create no fiscal impact (Sections 324.400 to 3324.433).

With respect to sections formerly contained within HCS/HB 792, this provision creates two new categories of licenses within the Division of Professional Registration in the Board of Barbers. AGO assumes that it would need 1/2 AAG I to assist the Board in additional licensing matters (Sections 328.075 to 328.080).

For sections formerly contained within SB 1122, and other sections respecting dentistry, AGO assumes that this proposal may create additional costs, as it expands the investigatory powers and the circumstances under which the Missouri Dental board is empowered to act. AGO assumes that it would need 1/2 AAG II to assist the Board in any litigation that may result from the investigations and penalty assessments the Board undertakes as authorized by the proposal (Sections 332.032 to 332.122).

For sections regarding the denial, revocation or suspension of physicians' and surgeons' licenses, AGO assumes that the additional categories of individuals covered by this proposal will create minimal costs that can be absorbed with existing resources (Sections 334.100, 334.506).

AGO assumes that for sections regarding physical therapists and physical therapists' assistants, this proposal will create no fiscal impact (Section 334.530 to 334.665).

For provisions formerly contained within SB 1218, dealing with advanced practice registered nurses, AGO assumes this proposal will create no fiscal impact (Section 335.016).

ASSUMPTION (continued)

With respect to provisions regarding the profession of nursing, AGO assumes this proposal will create no fiscal impact (Section 335.212 to 335.245).

For sections that had been found in HB 1044, with respect to pharmacists, AGO assumes that this proposal may create additional costs, as it permits the Board of Pharmacy to refuse to issue certificates of registration to applicants and also grants the Board investigative powers, including the authority to issue subpoenas. AGO assumes that it would be required to represent the Board before the Administrative Hearing Commission in the additional circumstances provided for by this proposal. AGO further assumes that it would be required to review subpoenas and move in court to enforce subpoenas. AGO assumes that any potential costs arising from this proposal would be minimal and could be absorbed with existing resources (Section 338.013 to 338.220).

For sections formerly contained within SB 107 & 896, addressing bailbondsmen and surety agents, AGO assumes there will be no fiscal impact (Sections 374.695 to 374.789).

With respect to sections formerly found in HB 1424, AGO assumes that this proposal creates an additional category of professional registration, a license for "athlete agents" within the Division of Professional Registration. AGO assumes that it would need 1/2 AG II to assist the Director of the Division in the rule-making process, in investigating matters and in representing the Division in licensing issues before the Administrative Hearing Commission (Sections 436.215 to 436.272).

Oversight assumes the Department of Economic Development - Division of Professional Registration will reimburse the AGO for costs incurred in performing the duties associated with licensing matters.

Officials from the **Department of Economic Development - Division of Professional Registration (DED-PR)** state they have no plans to issue temporary licenses within the period of the fiscal note for tattooing, body piercing or branding. Therefore, DED-PR assumes the proposal will have no fiscal impact on their organization for this portion of the proposal.

The DED-PR states this proposal creates mandatory licensure for persons who practice or offer to practice dietetics in the State of Missouri.

The Missouri Dietetic Association estimates that there will be approximately 579 applicants for licensure upon passage of this proposal. It is estimated that a \$150 application fee will be charged and a \$150 biennial fee thereafter. A 3% growth rate has also been calculated. It is assumed that all costs can be covered by the board's current appropriation.

ASSUMPTION (continued)

The DED-PR assumes that since the certification and regulation of athletic agents is already established within the Office of Secretary of State (SOS), the necessary appropriation and fund amount will be transferred from the Secretary of State to the Division of Professional Registration. The division assumes that this appropriation amount will include, at a minimum, the necessary expense and equipment to cover expenses. It is assumed that DED-PR can assume the personal service duties associated with the proposal.

Oversight assumes other expenses of the program would be offset with fees generated from athlete agents.

The DED-PR states the proposal creates a barber apprentice and apprentice supervisor license. The State Board of Barber Examiners estimates that there will be approximately 50 apprentice applicants and 35 apprentice supervisor applicants. It is estimated that a \$10 fee will be charged to the apprentice and a \$50 fee will be charged to the supervisor. A 3% growth rate is also calculated. It is assumed that all costs can be covered by the board's current appropriation. The DED-PR estimates fee revenue of \$2,250 in FY 06 and \$541 in FY 07.

The DED-PR states this proposal creates a registration for interior designers. Current statute has a registration for commercial interior designers. This proposal prohibits the use of the term "Registered Interior Designer" unless the individual is certified by the Interior Design Council. It is estimated that there will be approximately 400 applicants for registration upon passage of this proposal. The current fee for registration is \$250 and the registration is renewed biennially. A 3% growth rate has also been calculated. DED-PR assumes all costs can be covered by the council's current allotment.

The proposal allows the members of the Advisory Commission for Dental Hygienists to receive a per diem of \$50 for each day devoted to commission business. The advisory commission consists of 5 members. The members meet at least 4 times per year for 2 days. The annual cost of the per diem is estimated to be \$2,000 (5 members X 4 meetings/year X 2 days/meeting X \$50 per diem). It is assumed that this cost can be absorbed by the Missouri Dental Board.

The DED-PR also states the proposal amends various provisions regarding the regulation of pharmacists and pharmacies. In addition, the proposal establishes authority to impose civil penalties for unlicensed activity and allows the board to recover costs when the Administrative Hearing Commission rules in favor of the board. The DED-PR states the State Board of Pharmacy estimates that they could potentially collect between \$25,000 and \$200,000 per year in civil penalties. It is estimated the additional revenue will allow the board to eventually lower

ASSUMPTION (continued)

licensing fees.

Officials from the **Department of Corrections (DOC)** stated the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Department of Insurance (INS)** estimate Missouri currently has 836 bail bond agents, 80 general bail bond agents as well as 34 bail bond corporations. If a bail bond agent performs his own fugitive recovery then they would be required to be licensed as a surety recovery agent. Based on these totals INS is estimating that approximately 1,000 surety recovery agents may become licensed.

Based on the anticipated number of surety recovery agents, the Licensing Section would need 1 additional FTE as Licensing Tech. I. This position would be responsible for processing applications, reviewing 40 hours of courses taken as part of application, producing licenses, mailing renewals, answering phone and correspondence inquiries, related data entry and other clerical work related to this license. If number of surety recovery agents surpasses this estimate additional staff besides the 1 requested may be needed.

INS is also requesting 1 Investigator II to investigate complaints against surety recovery agents and to review applications of existing licensees as needed for violations, suspensions or revocations.

INS assumes that the examination process will be contracted out and the applicant will be responsible for paying the cost of examination directly to contractor. A copy of photo identification is part of application requirements, but INS assumes a standard license without photo will be issued to licensee.

INS does not have the staff or expertise to provide training required for bail bond or surety recovery agents. INS assumes that it would approve other organizations to provide this training at the specified limits of \$200 for initial and \$150 for continuing education.

Application fees and renewals are to be set by INS not to exceed \$150 for two years. Application and/or renewal fee is estimated to be \$150 for biennial license. This would generate approximately \$75,000 for each year of the two year license. Fees will be deposited into the Insurance Dedicated Fund. Licensing would occur on a two year cycle but revenue is shown on a

ASSUMPTION (continued)

yearly basis as all applications and renewals will not occur on the same date and would be spread over two fiscal years. Biennial fee of \$150 will not be sufficient to cover cost of administering licensing program for surety recovery agents.

Legislation allows for a fee up to \$150 for two year license for bail bond and general bail bond agents. Currently the license and renewal fee is \$25 annually. If this fee were raised to \$150 each year for the approximately 1,000 bail bond and general bail bond agents, then an additional \$50,000 per year would be generated. $(\$150 \text{ new} - \$50 (\$25 \text{ each for two years})) = \$100 \times 1000 \text{ agents} = \$100,000 \text{ for two years or } \$50,000 \text{ each year.}$

Oversight has, for fiscal note purposes only, changed the starting salary for the Licensing Technician I and Investigator II to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials from the **Office of the Secretary of State (SOS)** state this proposal modifies provisions relating to the practice of the professional registration boards for kick boxing, dietitians, tattooing, barbers, dentists, physical therapists, nurses, psychologists, professional counselors, marital and family therapists, pharmacists; and the creation of several new boards including: interior design, bail bondsmen, and athletic agents. The Department of Economic Development may promulgate rules to enact this proposal. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Economic Development could require as many as 115 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$7,245.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of State Public Defender (SPD)** did not respond to a request for a

ASSUMPTION (continued)

statement of fiscal impact; however, in response to similar legislation (SB 1196) incorporated into this proposal, the SPD assumed the proposal would have no fiscal impact on their organization.

The proposal will result in an increase in Total State Revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Increase in supervision or incarceration costs	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown - Less than \$100,000)</u>	<u>(Unknown - Less Than \$100,000)</u>	<u>(Unknown - Less than \$100,000)</u>
DIETICIAN FUND			
<u>Income - Department of Economic Development - Professional Registration</u>			
Licensure Fees	<u>\$86,850</u>	<u>\$2,606</u>	<u>\$92,100</u>
ESTIMATED NET EFFECT ON DIETICIAN FUND	<u>\$86,850</u>	<u>\$2,606</u>	<u>\$92,100</u>

FISCAL IMPACT - State GovernmentFY 2005
(10 Mo.)

FY 2006

FY 2007

ATHLETE AGENT FUNDIncome - Department of EconomicDevelopment - Professional Registration

Registration Fees

Unknown -
Expected to be
less than
\$100,000Unknown -
Expected to be
less than
\$100,000Unknown -
Expected to be
less than
\$100,000Costs - Department of EconomicDevelopment - Professional Registration

Administrative Costs

(Unknown -
Expected to be
less than
\$100,000)(Unknown-
Expected to be
less than
\$100,000)(Unknown -
Expected to be
less than
\$100,000)**ESTIMATED NET EFFECT ON
ATHLETE AGENT FUND*****\$0****\$0****\$0*****Offsetting income and expenses
expected to be less than \$100,000.****BARBER FUND**Income - Department of EconomicDevelopment - Professional Registration

Licensing Fees

\$0\$2,250\$540**ESTIMATED NET EFFECT ON
BARBER FUND****\$0****\$2,250****\$540****INTERIOR DESIGNER FUND**Income - Department of EconomicDevelopment - Professional Registration

Licensing Fees

\$100,000\$1,500\$106,000**ESTIMATED NET EFFECT ON
INTERIOR DESIGNER FUND****\$100,000****\$1,500****\$106,000**

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
PHARMACY FUND			
<u>Income - Department of Economic Development - Division of Professional Registration</u>			
Civil penalties	<u>\$0</u>	<u>\$25,000 to \$200,000</u>	<u>\$25,000 to \$200,000</u>
ESTIMATED NET EFFECT ON PHARMACY FUND	<u>\$0</u>	<u>\$25,000 to \$200,000</u>	<u>\$25,000 to \$200,000</u>
INSURANCE DEDICATED FUND			
<u>Income - Department of Insurance</u>			
Licensing/Renewal fees	<u>\$104,167</u>	<u>\$125,000</u>	<u>\$125,000</u>
<u>Costs - Department of Insurance</u>			
Personal Service Costs (2 FTE)	(\$43,122)	(\$53,040)	(\$54,366)
Fringe Benefits	(\$17,583)	(\$21,959)	(\$22,508)
Equipment and Expense	<u>(\$19,195)</u>	<u>(\$9,170)</u>	<u>(\$9,445)</u>
Total <u>Costs</u> - Department of Insurance	<u>(\$79,900)</u>	<u>(\$84,169)</u>	<u>(\$86,319)</u>
ESTIMATED NET EFFECT ON INSURANCE DEDICATED FUND	<u>\$24,267</u>	<u>\$40,831</u>	<u>\$38,681</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal would be expected to fiscally impact small businesses.

DESCRIPTION

The act modifies numerous provisions regarding regulation of professions by the Division of Professional Registration.

DEAF INTERPRETERS - The division is given the authority to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the commission.

DIETITIANS - The act modifies provisions regarding the licensing of dietitians. The Commission on Accreditation for Dietetics Education of the American Dietetic Association is established as the accrediting body for persons wishing to become licensed dietitians in this state. The act creates definitions for "dietetic practice," "dietitian," "licensed dietitian," "medical nutrition therapy," and "registered dietitian". The State Committee of Dietitians is placed within the division. The committee is authorized to assist the division in carrying out the provisions of the Dietitians Practice Act. The Committee is required to approve the licensing examination. The act prohibits a person from using the title or saying they are licensed dietitians unless duly licensed by the committee. Certain persons are exempted from licensure, provided that they do not call themselves licensed dietitians. The act creates procedures for inactive and lapsed licenses.

INTERIOR DESIGNERS - This act removes the word "commercial" in describing registered interior designers. The act prohibits the state or any political subdivision from requiring the use of registered interior designer for any residential building or construction.

TATTOOISTS - The division is authorized to issue temporary licenses for persons entering the state for the sole purpose of participating in a state or national convention where the applicant will be practicing the profession of tattooing, body piercing, and branding. The temporary license will be valid for 14 days.

BARBER APPRENTICES - The act provides for the licensing of barber apprentices and the certification of barber apprentice supervisors. Prior to being eligible to apply for a barber's license, barber apprentices must work at least 2,000 hours under a licensed barber who is certified by the State Board of Barber Examiners as a barber apprentice supervisor. Applicants for a barber apprentice certificate must be at least 17 years old.

DENTISTS - The Dental Board is authorized to issue and enforce subpoenas, including subpoenas duces tecum. Board investigators are authorized to inspect any person or entity licensed or permitted by the board, including all facilities and equipment related to the delivery of dental care or the making of dental prostheses. The investigators may also inspect clinical and

DESCRIPTION (continued)

administrative records related to the dental care of patients. The definition of the "practice of dentistry" is modified to include persons who interfere with the dentist's independent professional judgement as well as persons who review patient data in order to make judgements or decisions about the quality of dental care rendered to a patient.

The act provides that nothing shall make it unlawful for dental hygiene students and persons practicing dentistry in county health departments, certain federally qualified health centers or migrant, community or health care for the homeless health centers to provide appropriate services without a license or registration.

Certain not-for-profit corporations may provide dental services if such corporation employs personnel licensed in this state and serves certain low-income populations. The act lists organizations and corporations which are exempted from the income restrictions. The corporation shall not interfere with a licensed dentist's professional judgement and must apply for a permit from the Dental Board to employ licensed dental personnel to render dental services. No fee shall be charged for the issuance or renewal of a permit. The permitted corporation shall be subject to discipline in the same manner as any other licensee of the board. Federally qualified health centers (FQHC) are exempted from the requirement to obtain a permit. Instead, the FQHC must register with the board. The registration is not subject to discipline, but licensees of the board are subject to discipline for actions taken while working at the FQHC. No fee may be charged for the registration.

The act authorizes the board to seek injunctive relief against a corporation or other entity and creates a new basis for seeking injunctive relief relating to interference by a person or entity with the professional judgement of a licensed dentist.

The determination of whether a service provided to a patient is covered or reimbursable under a dental benefit plan is not the practice of dentistry and not subject to the provisions of the dental practice act.

DENTAL HYGIENE ADVISORY COMMISSION - The Missouri Dental Board is required to pay a per diem not to exceed \$50 a day for actual and necessary expenses incurred by members of the Advisory Commission for Dental Hygienists.

PHYSICAL THERAPISTS - The act authorizes a physical therapist practice pursuant to the prescription and direction of a physician, dentist or podiatrist licensed and practicing in another state.

DESCRIPTION (continued)

This act modifies provisions relating to the licensure of physical therapists and physical therapist assistants. The act authorizes the board of healing arts to waive the mandatory denial of licensure to applicants for licensure as a physical therapist or physical therapist assistant who have failed the required examination three or more times. The board may waive the mandatory denial if the applicant is licensed in another state for three years without any discipline of the license and has passed a licensing exam in another state. Alternatively, for applicants as a physical therapist, the board may allow an applicant to sit for the exam three additional times if the applicant obtains a higher professional degree after the third failure.

The requirement that the examination must be the same for all applicants is eliminated, as well as the requirement that the board must preserve the examination grades and scores and make them available for public inspection.

Temporary licenses for physical therapists and physical therapist assistants will only be valid for 90 days or until the results of the examination are received. The temporary license cannot be renewed. A licensed physical therapist cannot supervise more than one temporary licensed physical therapist assistant. The act makes it a cause for discipline of a physical therapist's license to practice independent of the prescription and direction of a physician, dentist or podiatrist licensed in another state. These provisions are similar to HCS/SCS/SB 1181 (2004).

NURSING - The definition of "qualified employment" under the Nursing Student Loan Program is modified to include any licensed hospital as defined by the Hospital Licensing Law.

Only persons who are licensed as registered nurses and who hold recognition from the board of nursing as an advanced practice registered nurse may use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN." This change is identical to SCS/SB 1218 (2004).

SOCIAL WORKERS - Residents of Missouri holding licenses to practice social work in other states will be granted licenses to practice social work if the other state's license requirements are substantially the same as Missouri's requirements.

The act prohibits the state or any political subdivision from discriminating against a social workers based on the social worker's level of education when requiring or recommending services which may be legally performed by a social worker.

PHARMACISTS - This act modifies the law relating to pharmacists, pharmacies, pharmaceutical services, and drug distributors. The act provides that pharmacy technicians must, at a minimum, be legal working age. The Board of Pharmacy may place the names of pharmacy technicians who

DESCRIPTION (continued)

commit certain crimes on the employee disqualification list. The board is authorized to deny licenses or issue probated licenses to pharmacy technician applicants who have committed certain crimes. The Board may refuse to issue or renew any certificate of registration or license for incompetence and for denial of licensure in another state, as well as disciplinary action in another state, regardless of whether it is was voluntarily agreed to or not. The Board may conduct a disciplinary hearing on any person who has failed to renew or has surrendered his or her license based on a finding of guilt against the person for certain crimes. The Board, upon a majority vote of the members, shall have the authority to administer oaths, issue subpoenas, and require production of documents and records. Any person who in good faith reports or provides assistance to the board, shall be immune from civil liability. The act adds two new pharmacy classifications: non-sterile compounding pharmacy and internet pharmacy. This language is identical to SCS/SB 1396 (2004).

SPEECH PATHOLOGY ASSISTANTS - The act repeals provisions regarding the licensing requirements of speech pathology assistants and requires them to have a bachelor's degree.

BAIL BOND AND SURETY RECOVERY AGENTS - The act modifies provisions regarding bail bond agents and establishes a licensing procedure for surety recovery agents, generally known as bounty hunters. The act specifies the requirements for obtaining a license to be a bail bond agent or surety recovery agent, establishes fees to cover the administration of the licensing, and grants authority to the Director of the Department of Insurance to regulate those agents. The act prohibits anyone from engaging in the bail bond business without being licensed by the department. Violation is a class A misdemeanor, and any subsequent offense is a class D felony.

Bail bond agents and surety recovery agents are required to receive at least 24 hours of basic training and eight hours of biennial continuing education, with a curriculum approved by the department. The costs of the training are to be paid by the applicant, but the cost cannot be more than \$200 for the basic training and \$150 for the biennial continuing education. Persons with at least two years of peace officer experience are exempt from the required training as a surety recovery agent. The act creates a \$150 licensing fee, with the licenses valid for two years. The department is authorized to demand additional assignment of assets from a bail bond agent if circumstances warrant, up to \$25,000. Current law allows up to \$10,000.

The collateral demanded by bail bond agents must be reasonable in relation to the amount of the bond. The department is authorized to establish reciprocal agreements with other states which have similar qualifications and training requirements for bail bond industry licensees. The act prohibits the granting of a bail bond agent license or surety recovery agent license to anyone who, within the last 15 years, has been convicted of a felony; a crime involving moral turpitude or

DESCRIPTION (continued)

child molestation; or any crime involving the use of a weapon. The department is authorized to issue cease and desist orders to any person violating any of the provisions of the bill. The department is granted subpoena power to compel testimony regarding possible violations.

The act authorizes the department to file complaints with the Administrative Hearing Commission against licensees. Bail bond agents are authorized to detain subjects in a lawful manner and enter upon public or private property in order to execute apprehension of a subject, if the agent has probable grounds to believe the subject breached the terms of the surety agreement. Agents may not detain subjects for more than 72 hours. The provisions of these sections become effective January 1, 2005.

ATHLETE AGENTS - All athlete agents operating in this state will be required to be registered and certified by the division. Fees for registration and renewal will be set by the division and deposited into the Athlete Agent Fund, which is created by the act. Registration and certification are valid for a two-year period and may be renewed indefinitely. The division director may refuse to issue a certificate or may suspend or revoke a certificate because of the following circumstances: (1) the applicant has been convicted of a crime of moral turpitude; (2) the applicant made false statements on the application; (3) the applicant has had a similar license suspended or revoked in another state; or (4) the applicant has caused a student-athlete to be suspended from or to be ineligible for any interscholastic or intercollegiate athletic event. The act requires all contracts between agents and athletes to be written and contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about the possible loss of eligibility.

LICENSURE OF FOREIGN APPLICANTS - The act requires persons from foreign countries when making application for a license or temporary permit to practice within any of the professions regulated by the division to provide their visa and/or passport identification number in lieu of a social security number.

FUND ACCOUNTS - The act requires money in the Athletic Fund, the State Committee of Psychologists Fund, the Committee of Professional Counselors Fund, the Marital and Family Therapists Fund, and the Hearing Instrument Specialist Fund to be three times the preceding year's appropriation prior to being placed in the General Revenue Fund.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -
 Administrative Hearing Commission
Department of Higher Education
Office of State Courts Administrator
Department of Economic Development -
 Division of Professional Registration
Department of Elementary and Secondary Education
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Social Services
Department of Public Safety -
 Missouri State Highway Patrol
Department of Insurance
Office of Prosecution Services
Office of Secretary of State
Office of State Treasurer



Mickey Wilson, CPA
Director
June 8, 2004